

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ANDREA LEAVELLS,

Plaintiff,

v.

Case No. 15-cv-10435

KONDUAR CAPITAL CORPORATION,

Defendant.

ORDER TERMINATING MOTION TO DISMISS WITHOUT PREJUDICE

On March 18, 2015, Defendant filed a Motion to Dismiss. (Dkt. # 12.) On April 4, 2014, Plaintiff amended her complaint as of right. (Dkt. # 15.) This amendment rendered the original Complaint—and by extension, the Motion to Dismiss—nullities. See *Hayward v. Cleveland Clinic Foundation*, 759 F.3d 601, 617 (6th Cir. 2014); see also *Drake v. City of Detroit*, 266 F. App'x 444, 448 (6th Cir. 2008). Accordingly, Plaintiff need not have filed a Response to the Motion to Dismiss. Pursuant to the court's grant of a joint motion for Extension of Time to File Answer, Defendant has until May 5, 2014 to answer or otherwise respond to the Amended Complaint.

IT IS ORDERED that Defendant's Motion for Dismiss (Dkt. # 12) is TERMINATED WITHOUT PREJUDICE and Defendant shall answer or otherwise plead in response to Plaintiff's Amended Complaint by **May 4, 2015**.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: April 24, 2015

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, April 24, 2015, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522